

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
COURT FILE NO.: CV-

DENNIS RUTTER,  
  
Plaintiff,

vs.

PROFESSIONAL RECOVERY SERVICES:  
INC.  
  
Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**COMPLAINT**

**JURY TRIAL DEMANDED**

---

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et. seq.*, which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**JURISDICTION**

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff, Dennis Rutter, is a natural person who resides in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant, Professional Recovery Services, Inc., (hereinafter Defendant PRS) is a foreign corporation and a collection agency operating from an address of 221

Laurel Road, Suite 350, Voorhees, NJ 08043, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

6. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes, that allegedly went into default for late payment, and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

7. The Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff, when thereafter Plaintiff started receiving collection communications from Defendant in an attempt to collect this debt.

#### ***Conversations between Plaintiff and Defendant, PRS***

8. Within the past year, the following communications took place between the Plaintiff and Defendant, PRS:

a. On or about June 27, 2007 at 7:30 pm, Ed Carlson left a message on Plaintiff’s answering machine stating he would still be able to work something out, but needed the Plaintiff to call him within twenty-four hours or he could no longer help him on the account and stated, “they are going to come after you”;

b. On or about June 28, 2007 at 10:55 am, Ed Carson left a message on Plaintiff’s answering machine stating he could no longer hold up action against the Plaintiff;

c. On or about June 29, 2007 at 9:51 am, Ed Carlson left a message on Plaintiff’s answering machine stating after today he could no longer help Plaintiff on the account and needed a call back immediately;

d. On or about July 3, 2007, Ed Carlson left a message on Plaintiff's answering machine stating he could no longer hold up further action and they were going to pursue the Plaintiff at his job;

e. On or about July 5, 2007 at 7:42 pm, Ed Carlson left a message on Plaintiff's answering machine referencing the claim number and Plaintiff needed to call him back immediately.

9. The aforementioned calls are collection communications in violation of numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. §§1692e, 1692e(4), 1692e(5), 1692e(10), 1692e(11) and 1692f.

10. To the least sophisticated consumer, Defendant's communications created a false sense of urgency and constitute threats of legal action that were not intended to be taken

### **CAUSE OF ACTION**

#### **COUNT I**

#### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.**

#### **§1692 et seq.**

11. Plaintiff incorporates by reference all of the above paragraphs of this complaint as through fully stated herein.

12. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692, *et. seq.*

13. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to statutory damages and reasonable attorney's fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against Defendant PRS for:

**COUNT I**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

**15 U.S.C. § 1692, et. seq.**

- An award of statutory and actual damages;
- An award of costs of litigation and reasonable attorney's fees; and
- For such other and further relief as may be deemed just and proper.

Date: June 27, 2008

Respectfully submitted,

**JEFFREY L. SUHER, P.C.**

By: s/**Jeffrey L. Suher**  
Jeffrey L. Suher, Esq.  
Attorney I.D.#74924  
4328 Old William Penn Highway, Suite 2J  
Monroeville, PA 15146  
Telephone: (412) 374-9005  
Facsimile: (412) 374-0799  
[lawfirm@jeffcanhelp.com](mailto:lawfirm@jeffcanhelp.com)

**Attorney for Plaintiff**